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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,634	12/27/2001	Aroon Raman	60556-303620	8671
7590 02/20/2004 DANIEL B. SCHEIN, PH.D., ESQ. BRINKS HOFER GILSON & LIONE P.O. BOX 28403 SAN JOSE, CA 95159			EXAMINER LEVY, NEIL S	
			ART UNIT 1616	PAPER NUMBER

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s)	Applicant(s)	
	10/019,634	RAMAN ET AL.	
	Examiner	Art Unit	
	Neil Levy	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/08/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejections of record are maintained.

Claims 1-6, 11, 13, 14, 18-21 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kuan-GB 2139498.

Kuan meets instant claims 1 and 20; a substance delivery device, mosquito coil, combustible (p.1, lines 3-7) of toxic pyramin forte and perfume (lines 68-85) as a paperboard strip of gum wood powder, wood powder on a thin paper backing (lines 36-54) of rectangular (strip) shape. The filler includes combustion promoter, charcoal powder (instant claims 5, 6). The method of manufacture, as instantly claimed, is at p.1, lines 87-106, and claim 14.

The wood powder, fibrous structures, are mixed with insecticides, perfume, fluid, as paste, applied to backing, and dried. The instant claim requires no particular order; is not shown as critical to the steps. Since the process is as of the instant invention, the otherwise undefined paperboard strip is also that of Kuan the instant claims 2-4 (col.1, p.1, lines 37-49).

Claims 1, 2, 5, 6, 8-10, 20, 26-28, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Eisner et al-5447713.

Here too, a paperboard strip of wood fiber (fig.2) provides the instant mosquito coil (claim 1) of the instant density and (col.2, lines 17, 18) thickness. The instant claims permit, in comprising guise, the non-critical size of the greater range, even

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though flexible (col.2, lines 9-26) with adhesives-binders-of Eisner. Promoters are at col.1, lines 54-58, cutting at col.3, lines 34-37. Dye is at col.2, line 57.

Claims 1, 5-7, 11-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Waples-2224622.

Paper pulp, toxic and perfume (pine tar), with charcoal (less than 10%) are mixed and dried, then lit (page 2, lines 12-36). Preparation is at p.1, col.2, lines 7-54, the instant invention as claimed.

Claims 1, 2, 5, 6, 8, 9, 11, 16-21, 26, 27, 29-34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over CN2 3564954 in view of Bordenca-3767785, Wapler-2224622 and Yano et al. 5055491.

CN shows paper strips as insect repellent, with shape, dimensions, density and repellent unspecified-a dye is used, as is coil form.

Bordenca discloses insect repellences of articles fabricated as desired to control, mosquitoes (col.1, lines 47-58). There include paper, paperboard, cardboard, as cellulosic sources, of any grade (col.4, lines 7-60) with dyes, insect repellent, adhesives incorporated in or the paper. Also, cellulosic fibers of cotton (line 70, col.4, line 31, col.5) and of wick or wool may be used; all generally reorganized as combustible, although not so stated b Bordenca. Thus the paper strips of CN, are shown as processed to include an ingredient toxic to insects, prepared as desired, by non-critical methods as to include impregnating, saturating, coating.

Waples (above) shows the use in insect toxicants, for mosquito, inclusive of the known cellulosic fibers-combustible, of paper or other, vegetable fibers.

Yano also shows vegetable powder-pyrethrummarc, cotton fibers, and promoters-ethyl cellulose-wood powder-sulfides-(col.9, line 58-col. 10, line 17) with pyrethroid toxic to ants (III, col.2, formulations 9-11). Size, thickness, and formation in indicated.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made desiring to utilize mosquito repellent to use that of CN, prepared in non-critical manner of paper or alternative materials for the purpose at hand, with selection of equivalent materials shown by Bordenca, shown by Waples and Yano to commonly include added promoters, pyrethrummarc and preparation of suitable combustible form, as desired.

Applicant has not provided any objective evidence of criticality, nonobvious or unexpected results that the combination of the particular ingredients' or concentrations provides any greater or different level of prior art expectation as claimed. The amounts, forms and proportions of each ingredient are result effective parameters chosen to obtain the desired effects. It would be obvious to vary the form of each ingredient to optimize the effect desired, depending upon the particular species and application method of interest, reduction of toxicity, enhanced, and prolonged, or synergistic effects, and the use of ingredients for the functionality for which they are known to be used is not basis for patentability.

The instant invention provides well known old art recognized compounds, with well known art recognized effects, applied by well known art recognized methods to achieve control over pests.

Applicant's arguments filed 10/03 have been fully considered but they are not persuasive. Applicant argues prior art has paperboard strips; however examiner finds the term to not be differentiated from the materials cited in the prior art of record; en, for instance, provides multiple layers of strip-shaped paper as base material which is difficult to break (p.2, bottom). This, and Bordenca, show one in the art of controlling insects can utilize material to provide strength, yet be biodegradable and combustible.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday- Friday 7:00 am to 5:30 pm.

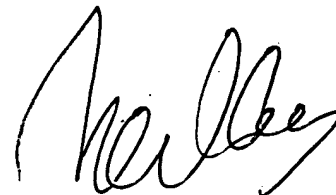
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Levy/tgd

January 29, 2004

A handwritten signature in black ink, appearing to read "Neil S. Levy". The signature is stylized with a large initial "N" and a cursive "S. Levy".

NEIL S. LEVY
PRIMARY EXAMINER